

June 18, 2020

To: Kare Clark, Planning Commissioners & Austin City Council Members

From: Montopolis Neighborhood Plan Contact Team  
Susana Almanza, President MNPCT

Re: Opposition to upzoning for the following properties: 1013 & 1017 Montopolis/C-14-2020-0029; 200 Montopolis/C-14-2020-0030; 6201 Clovis & 301 Kemp St/C-14-2020-0039; 200 Montopolis/C-14-2020-0030; 316 Saxon Lane and 6328 El Mirando Street/C-14-2020-0044.

The Montopolis Neighborhood Plan Contact Team met on May 26<sup>th</sup>, 2020 at the Southeast Health and Wellness Center. No representative from Ron Thrower, of the Thrower Design Group appeared at the meeting, who are the representatives for all the above zoning cases. They refused to attend the Contact meeting because they were not comfortable coming to the Montopolis community. The meeting was being held at one of the most sanitized locations, Southeast Health and Wellness Center and the room was huge enough to have social distance. They sent backup material on the day of meeting at 4:13pm.

The Montopolis Neighborhood Plan Contact Team **opposes** the zoning change for all the above listed properties!

The Montopolis Neighborhood Plan was completed under City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on September 27<sup>th</sup>, 2001. The property at 508 Kemp was approved as SF-3-NP. We ask that the Austin City Council respect the adopted Montopolis Neighborhood Plan.

After emerging successful against the forces of rapacious development at the Montopolis Negro School in 2018, the Montopolis community is once again being besieged by profit-seeking real estate developers with little to no regard for the community's fragile natural and cultural environment, or its iconic history.

Montopolis, also known as "Poverty Island," has a per capita income of \$16,226, a Median Family Income of \$31,875, and a poverty rate of 33% according to 2018 American Community Survey data. Accordingly, we guard our existing SF-3 owned property jealously, as we are a community of families.

The Austin Human Rights Commission has declared gentrification to be a human rights violation. We call upon the Planning Commission and Austin City Council to reject this gentrifying up zoning in the name of racial justice and reconciliation. Montopolis has too much history and culture to be sliced up by the forces of unscrupulous real estate development in this fashion. The highest and best use of our land is protection, not speculation.

## Clark, Kate

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**From:** Bezner, Janet R  
**Sent:** Thursday, June 18, 2020 1:45 PM  
**To:** Clark, Kate  
**Subject:** Rezoning Concern

\*\*\* External Email - Exercise Caution \*\*\*

Dear Ms. Clark,

I am writing to provide input for the Planning Commission meeting next week about the following properties, which are adjacent and near a property I own at 204 Montopolis:

**B-15 (C14-2020-0030 - 200 Montopolis Rezoning, District 3)**  
**B-16 (C14-2020-0029 - Montopolis Acres Rezoning, District 3)**  
**B-17 (C14-2020-0039 - Clovis and Kemp Rezone, District 3)**  
**B-18 (C14-2020-0044 - Saxon Acres Residential Zoning, District 3)**  
**B-19 (C14-2020-0038 - 508 Kemp Street, District 3)**

As you are probably aware, a developer has applied to rezone these lots to an SF-6 designation, which we oppose. The lots are currently zoned SF-3, which we believe is appropriate to preserve single family housing in the neighborhood. We are concerned if the lots are rezoned it will lead to increased traffic, increased property taxes, and greater density and crowding, further stressing our natural resources.

Thank you,  
Janet Bezner and Nancy Lesch  
204A Montopolis  
Austin, TX 78741  
571-234-2841

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Jonathan Davidson

6218 Clovis Street  
Austin, TX 78741  
512-699-5656

June 19, 2020

To Kate Clark  
Planning and Zoning Department  
and all members of  
Austin City Council

Kate,

I am writing in opposition to the rezoning cases in the Montopolis Neighborhood. In particular I would like to clarify some characteristics of the area directly affected by Case #s C14-2020-0030 (200 Montopolis Dr; 6206 Clovis St) and C14-2020-0039 (Kemp and Clovis). I would also like to respond to your staff's Basis of Recommendations.

First, I wanted to draw some attention to some amendments to the adopted Montopolis Neighborhood Plan. Ordinance No.010927-28 took effect on 8 October 2001. This ordinance rezoned all of the lots in the Montopolis Drive/Clovis Street/Kemp Street connections from CS to SF-3-NP. The intention of this rezoning was to preserve the character of Montopolis as a residential neighborhood, and to limit the environmental impact on the adjacent Parkland and Watershed. This was less than 20 years ago.

Also, Ordinance No.20101209-056 took effect on 20 December 2010. This ordinance states intent to: "Expand opportunities for the enjoyment of Park, Trails, and Open Space." Also to "provide open space in Montopolis." "Increase availability of Parkland." "Acquire additional land to be managed by the Parks Department." This was less than 10 years ago. These two ordinances highlight the continued focus to maintain a lack of density in this immediate area, due to proximity to vulnerable environmental concerns as well as economic ones. "Openness" is essential to the physical and metaphorical character of Montopolis.

In your Case Manager Comments for C14-2020-0030 (200 Montopolis Dr; 6206 Clovis St), you have described the zoning of the surrounding lots. The lot to the north is indeed zoned CS. There is, however, a conditional residential overlay on this lot. The owners of this lot, Dale and Natalie Glover, are currently in contact with the City of Austin to build a single family residence on this lot. Further, the lot zoned CS has no frontage on a City of Austin street, and instead has a nebulous access agreement through the lot to the east, currently owned by the State of Texas. There have been numerous proposals to convert

all of these lots north of the Grove Drive Bike Path into a natural extension of the Roy Guerrero Park. It remains to be seen if the CS lot is buildable at all.

You also state that the “tracts to the west are zoned SF-3-NP and are undeveloped.” This overstates the conditions: the “tracts” you mentioned are, in fact, legally platted SF-3-NP lots. There are only three undeveloped lots west of the area requesting rezoning. Their addresses are 6202, 6204, and 6206 Clovis Street. This brings up the fact that zoning case #C14-2020-0030 (200 Montopolis Dr; 6206 Clovis St) has incorrectly listed the address on Clovis they hope to rezone. 200 Montopolis is adjacent to the flag lot that is **6208 Clovis Street**. 6208 was sold to 9 Banded Holdings by Seth Harp. He has a written agreement of a ‘shared driveway’ between 6206 and 6208. This would eliminate the possibility of establishing a ‘private road’ as proposed by the developer to access 200 Montopolis Drive via 6208 Clovis Street. 6206 Clovis Street is owned by Isaiah Harp, Seth’s brother, who has applied for a building permit (Permit/Case # 2019-166492PR) for a single family residence with ADU. 6204 Clovis is owned by Isaiah’s mother Cynthia, who intends to build a SFR with no ADU. Cynthia also owns 6202 Clovis. This lot may prove to be unbuildable as there is a 100’ Critical Environmental Feature Setback as visible on the Travis County GIS ‘Easements and Setbacks’ layer. This radius setback also stresses the sensitive nature of the zoning case number C14-2020-0039 (Kemp and Clovis) as it reaches through the streets to affect these properties as well. 6217 Clovis Street, adjacent to the east of the Kemp and Clovis case, has also applied for a building permit: a single family residence on a SF-3-NP lot.

The Staff’s Basis of Recommendation for these cases states that “It is appropriate for areas in which unusually large lots predominate with access to other than minor residential streets, and in selected areas where a transition from single-family to multifamily use is appropriate.” Clovis Street is one block long. With no traffic signals and one stop sign. The definition of a “minor residential street.” 200 Montopolis Drive is on a dogleg extension of Montopolis Drive that dead ends at a pedestrian trail and a pedestrian bridge, also the definition of a “minor residential street.” Additionally, this dogleg extension of Montopolis Drive has no traffic signal, only a stop sign. The stop sign is at the corner of Montopolis Drive and Montopolis Drive! This highlights the fact that the Montopolis Drive Dogleg, as I will call it, should be considered a completely separate street than the Montopolis Drive that has traffic lights and bus routes. Worth mentioning as well is that no left turn is permitted north onto Montopolis Drive from the Montopolis Drive Dogleg, rerouting commuter traffic from the proposed development through a network of “minor residential streets:” Clovis, Kemp, Walker, Vera, and Ponca. This commuter traffic (could be more than 100 cars per day) will pose significant risk to pedestrians and wildlife (there is a city-installed deer crossing sign on Kemp) alike.

The Staff’s Basis of Recommendations also states that it considers the 200 Montopolis lots to be a transition in use between the SF-3-NP lots to the south and the commercial property to the north. As I stated before, the owners of 6218-20 Grove Drive (the land zoned CS) are proposing a single family residence on this lot. Because the street this lot

used to be on has long ago been converted to pedestrian use only, the CS zoning is antiquated. I would argue that the only appropriate zoning for this lot is P-NP. The fact is that this transition should be from SF-3-NP to a **less dense** zoning if anything. It is essential for these SF-3-NP lots to remain as such for all of the reasons stated.

Developers are a fact of life in Austin. We ask that they simply abide by the existing zoning in the area. Agents for these developers have spread rumors in the area that if you will oppose them they will report you to code enforcement and compel residents to “bring their property up to code.” This type of intimidation is racist and classist. Victoria Haase of Thrower Design, the land planner employed on these Montopolis cases, send me a letter. It told me how great the zoning would be for **me**. No mention of how great it would be for **them** and their bottom line. She concluded by telling me that the case will go to the Planning Commission for a public hearing on Tuesday, June 24th. We all know that the hearing in question is on Monday, June 23. Yet another dishonest tactic by an industry motivated by greed.

Thank you for considering these facts and my opinions as a homesteader in this amazing neighborhood. It is essential for Austin as a city to prevent any more damage to the few multi-ethnic and mixed socio-economic communities left in the City.

Jonathan Davidson

Michelle Teague (wife)

Jack Davidson (son)

## Clark, Kate

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**From:** Hedda Elias  
**Sent:** Friday, June 19, 2020 12:07 PM  
**To:** Clark, Kate  
**Subject:** Zoning Montopolis Neighborhood

\*\*\* External Email - Exercise Caution \*\*\*

Dear Planning Commission Members,

In reference to: B-15, B-16, B-17, B-18, B-19

Part of being the anti-racist city that Austin claims to be is to seek out and listen to the voices of the people who live in the neighborhoods affected by development. Listen to how they are struggling to pay the taxes. Listen to how their children cannot afford to keep the house they grew up in. Listen to the Montopolis Contact team. Listen to their plan. Listen to our neighbors who took time out of their days to sign these petitions.

If you are really committed to the ideals of being equitable and anti-racist, you will ask this community how we want to develop and not pay it lip service. Because we do have a plan to keep the people in their homes who have lived here for generations. We do have a plan to help each other repair our houses. We do have a plan to build more affordable housing.

Help us. Don't help the developers who in their proposal will sell this new housing for \$400 a square foot. That is not something I can afford. That is definitely not something my neighbors, with a median income of \$35,000 can afford. We are surrounded by 3 petitions to build townhomes all on the route my daughter practices riding her bicycle on each day. On our tiny street with no sidewalks. These developers did not come speak to the Montopolis Contact team.

We are talking about the gentrification that is happening right now. My husband grew up 2 blocks from where we built our house. Our house is built on land we bought in 2012 for \$65,000. Our property taxes are \$9000 a year. As 2 teachers, we have an income more that most of our neighbors, yet it is difficult for us to pay our taxes. This will make it impossible for us to protest our property values. Impossible to build affordable housing on our street, as we have planned.

Please do your part.

We are counting on you,

Hedda and Noe Elias  
304 Kemp Street

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## Clark, Kate

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**From:** Isaiah  
**Sent:** Friday, June 19, 2020 2:20 PM  
**To:** Clark, Kate  
**Subject:** RE: Case Number C14-2020-0039

Hello Kate,

Thank you for the prompt reply. To clarify: I oppose the re-zoning.

Clovis and Kemp street have developed over the past 5 years as a close-knit community of modest residences designed by boutique architecture firms, with detached secondary dwellings to increase density. The proposed rezoning would adversely affect property values, increase traffic congestion, and negatively impact the quality of life of this small, but growing community.

I'm not sure you needed my reasons for opposition, but I thought I'd summarize them in case they were included as part of my stance. I will also email Andrew Rivera according to your instructions. Thanks again --

v/r  
Isaiah Harp

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Friday, June 19, 2020 12:07 PM, Clark, Kate <Kate.Clark@austintexas.gov> wrote:

Dear Isaiah Harp,

Thank you for your email. Attached is the agenda for next week's Planning Commission meeting, there is speaker signup information at the beginning of the agenda. Generally, you will need to email the board liaison at [andrew.rivera@austintexas.gov](mailto:andrew.rivera@austintexas.gov) to register to speak with the information below. **In order to sign up to speak, you must do so by noon on Monday, June 22<sup>nd</sup>.** There is other information in provided PDF about the process.

Please send to the board liaison:

1. Your name;
2. The item number(s) you wish to speak on;
3. Whether you are for/against/neutral on the case;
4. Your physical address; and
5. The telephone number you will be using to call into the meeting with.

From your email, I could not tell whether you were taking a stance in favor, opposition or were neutral on the rezoning. If you are taking a position and would like me to include it in my case backup, please send me an email telling me your stance.

Thank you,

Kate

**Kate Clark, AICP, LEED AP**

*Senior Planner*

**City of Austin | Planning and Zoning Department**

Mailing Address: P.O.Box 1088, Austin, Texas 78767

Physical Address: [505 Barton Springs Rd, 5th floor, Austin, Texas 78704](#)

Tel: 512-974-1237

Email: [kate.clark@austintexas.gov](mailto:kate.clark@austintexas.gov)

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**From:** Isaiah

**Sent:** Friday, June 19, 2020 1:54 PM

**To:** Clark, Kate <[Kate.Clark@austintexas.gov](mailto:Kate.Clark@austintexas.gov)>

**Subject:** Case Number C14-2020-0039

\*\*\* External Email - Exercise Caution \*\*\*

Hello Kate,

I was grateful to receive your notice of public hearing for Case Number C14-2020-0039 and I would love to participate in the meeting if that is possible.

My family actually sold the owner the property that he has requested to rezone. In fact my family still owns 3 lots adjacent to his; I personally own the lot directly next-door to his. So obviously I care deeply about any zoning changes that might dramatically affect our modest family parcel.

While I'm stating my reasons for wanting to participate, I should also mention that the flag driveway that extends from Clovis to Mr O'Dell's Clovis St lot is governed by a Joint Use Access Easement (JUAЕ) filed with the City of Austin and which was an explicit condition of sale. I am the other party bound to this JUAЕ, since I own the other half of the flag. Thus, in a sense, any re-zoning of Mr O'Dell's property re-zones my own land by proxy.

I do hope I can have a small speaking role in the meeting next Tuesday. Thank you for keeping the community involved in such matters, and please let me know what I need to do in order to participate.

v/r

D. Isaiah Harp

6206 Clovis St.

Austin, TX 78741

(512) 585-5985

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Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number: C14-2020-0039**

**Contact: Kate Clark, 512-974-1237**

**Public Hearing: June 23, 2020, Planning Commission**

Joe R. Villarreal

Your Name (please print)

☐ I am in favor  
☒ I object

305 Kemp St. Austin TX 78741

Your address(es) affected by this application

Joe R. Villarreal

Signature

6/19/20

Date

Daytime Telephone: 512-385-6133

Comments: No Cerdos !!

→ 300 Kemp St Austin TX 78741  
307 Kemp St. Austin TX 78741

If you use this form to comment, it may be returned to:

City of Austin, Planning & Zoning Department

Kate Clark

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

Kate.Clark@austintexas.gov